

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT FIREMAN and ANN RAIDER,

Plaintiffs,

v.

Civil Action No. 05-11740-MLW

NEWS AMERICA MARKETING IN-STORE,  
INC.,

Defendant.

**NEWS AMERICA MARKETING IN-STORE, LLC'S  
INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)**

News America Marketing In-Store, LLC ("News America") hereby discloses the following pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Local Rule 26.2. News America reserves its right to supplement these disclosures as necessary.

**A. Individuals Likely to Have Discoverable Information that News America May Use to Support Their Defenses:**

1. Henri Lellouche  
Senior Vice President  
New America Marketing  
1211 Avenue of the Americas  
New York, New York

Mr. Lellouche possesses knowledge of the operations and performance of CCMI after it was acquired by News America.

2. Marty Garofalo  
New America Marketing  
1211 Avenue of the Americas  
New York, New York

Mr. Garofalo possesses knowledge of the operations and performance of CCMI after it was acquired by News America.

3. David Devoe Jr.  
Chief Financial Officer  
News Corp.  
Avenue of the Stars  
Los Angeles, CA

Mr. Devoe possesses information relative to News America's purchase of CCMI and the agreement between the plaintiffs and News America (the "Agreement") providing for the acquisition of CCMI.

4. Mike Racano  
Chief Financial Officer  
New York Post  
1211 Avenue of the Americas  
New York, New York

Mr. Racano possesses information relative to the calculation of the earn out provision of the Agreement and discussions with the plaintiffs relating thereto.

5. Deborah Wolf, Esq.  
Hogan & Hartson, L.L.P.  
875 Third Avenue  
New York, New York 10022

Ms. Wolf possesses information relative to the News America's purchase of CCMI, the Agreement, and of discussions with the plaintiffs regarding calculations under the Agreement's earn out provision.

6. Scott Dugan, Esq.  
David Henkin, Esq.  
Goodwin Procter  
Boston, MA

Messrs. Dugan and Henkin possess information relative to the terms and drafting of the Agreement.

7. Ann Raider  
c/o Todd & Weld LLP  
28 State Street, 31<sup>st</sup> Floor  
Boston, MA 02109

Ms. Raider possesses information relating to the News America's purchase of CCMI, the Agreement, the performance of CCMI following its acquisition by News America, and of discussions between the plaintiffs and News America regarding calculations under the Agreement's earn out provision.

8. Robert Fireman  
c/o Todd & Weld LLP  
28 State Street, 31<sup>st</sup> Floor  
Boston, MA 02109

Mr. Fireman possesses information relating to the News America's purchase of CCMI, the Agreement, the performance of CCMI following its acquisition by News America, and of discussions between the plaintiffs and News America regarding calculations under the Agreement's earn out provision.

9. Michael Gaffney  
New York, New York

Mr. Gaffney possesses information relative to the calculation of the earn out under the Agreement.

10. Adam North  
Toronto, Canada

Mr. North possesses information relating to the performance of CCMI after it was acquired by News America.

11. Donald Jack  
Director of Accounting and Taxation  
News America Marketing  
20 Westport Road  
Wilton, CT 06897

Mr. Jack possesses information relating to the calculation of the earn out under the Agreement.

12. George Ludwig  
Wilton, CT

Mr. Ludwig possesses information relating to the calculation of the earn out under the Agreement.

13. Matt Diamond  
(formerly with Arthur Andersen LLP)  
Connecticut

Mr. Diamond possesses information relating to the calculation of the earn out under the Agreement.

**B. Documents, Data Compilations and Tangible Things in the Possession, Custody or Control of News America that It May Use to Support Its Defenses.**

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The following is a description by category and location of all documents, data compilations and tangible things within News America's possession, custody or control that they may use to support their claims. Unless otherwise noted, the identified categories of documents are located either with counsel or at News America's offices.

These documents include:

1. Drafts of the Agreement exchanged between counsel.
2. The Agreement.
3. Correspondence between the parties relating to earn out issues.
4. Documents relating to the calculation of the earn out under the Agreement.
5. Email correspondence and other documents relating to the operations and performance of CCMI after its acquisition by News America.

**C. Computation of Any Category of Damages.**

Not applicable.

**D. Insurance Agreement.**

News America has no insurance agreement relative to this dispute.

NEWS AMERICA MARKETING IN-STORE,  
LLC

By its attorneys,

/s/ Gordon P. Katz

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Dated: June 15, 2006  
Boston, Massachusetts